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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,480	12/07/2000	William C.Y. Lee	G&C 139.146-US-U1	2461
22462	7590	06/17/2004	EXAMINER	
GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045			TSEGAYE, SABA	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 06/17/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/733,480

Applicant(s)

LEE ET AL.

Examiner

Saba Tsegaye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: Applicant is required to update the Serial Number and filing date and/or the status of application, cited on page 1, lines 11-13.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 17-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsu et al. (US 6,587,684).

Regarding claims 17 and 21, Hsu disclose, in Fig. 3, vocoder software 92, operating system 90. Further, Hsu discloses a method for loading one of a plurality of vocoders into a processor of a handset (16), wherein the vocoder is selected based on a particular type of network communicating with the handset (column 16, lines 41-52); and executing the loaded vocoder in the processor of the handset, wherein the vocoder translates voice data communicated to the handset (column 7, line 62-column 8, line 12; column 13, lines 4-16).

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Regarding claims 18 and 22, Hsu discloses the method wherein the voice data is tunneled from the calling party's handset and the calling party's network, through any number of different networks, to the called party's network and called party's handset, without any vocoding conversions except at the handset (column 13, lines 4-16).

Regarding claims 19 and 23, Hsu discloses the method wherein the vocoder (92) is stored a component of the handset and is loaded into the processor from the component (column 13, lines 4-16).

Regarding claims 20 and 24, Hsu discloses the method wherein the vocoder is stored a network component and is downloaded from the network component into the processor of the handset (column 16, lines 48-52).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sieppi (US 6,577,637) in view of Hsu et al. (6,587,684).

Regarding claims 1, 5, 9 and 13, Sieppi discloses a method for tunneling voice data over one or ore networks, comprising: sending a call set-up message from the first or second subscriber station to a switching means of the mobile radio communication network to setup a

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call between the first and second subscriber stations; determining on the basis of the call setup message whether the second subscriber station is of a type also comprising an audio data encoding/decoding means and setting up a call between the first and second subscriber station.. Further, Sieppi discloses that if the second subscriber station is not capable of performing the speech encoding decoding then the subscriber station type determining means switches on an audio data encoding/decoding means in a base station controller.

However, Sieppi does not expressly disclose loading a software-defined vocoder into the called party.

Hsu teaches a digital wireless telephone system for downloading software to a digital telephone using wireless data link protocol. Fig. 3 illustrates the digital telephone 16 that includes internal processor 80, an operating system 90, and vocoder software 92. The digital telephone 16 accesses a revision control server 26 configured for maintaining the digital telephone with up to date firmware and or software including vocoder software 94 (column 16, lines 41-52).

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teachings from Hsu of loading a software defined vocoder to the second subscriber station disclosed by Sieppi.

One of ordinary skill in the art would have been motivated to do this because loading a software vocoder into the called party avoids deterioration of the speech quality due to performing unnecessary audio data encoding/decoding and the bandwidth in the PLMN/data network can be utilized more efficiently (see abstract).

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Regarding claims 2, 6, 10 and 14, Sieppi discloses the method wherein the voice data is tunneled from the calling party's handset and the calling party's network, through any number of different networks, to the called party's network and called party's handset, without any vocoding conversions except at the handset (column 5, line 65-column 6 line 24).

Regarding claims 3, 7 and 11, Sieppi discloses the method wherein the software-defined vocoder is stored a component of the called party's network and is downloaded from the component to the called party's (column 6, lines 16-24).

Regarding claims 4, 8, 12 and 16, Sieppi discloses the method wherein the notification is transmitted during call setup (column 5, line 65-column 6 line 24).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bilgic et al. (US 6,580,906) discloses an authentication and security in wireless communication system.

Palermo (US 6,781,734) discloses multiple waveform software radio.

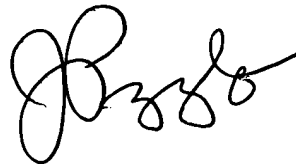
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (703) 308-4754. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST  
June 11, 2004

A handwritten signature in black ink, appearing to read 'J. Pezzlo', with a stylized, cursive script.

**JOHN PEZZLO**  
**PRIMARY EXAMINER**